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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,665	09/05/2003	Johannes Kocher	16493	8316
50659	7590	08/25/2005	EXAMINER	
BUTZEL LONG DOCKETING DEPARTMENT 100 BLOOMFIELD HILLS PARKWAY SUITE 200 BLOOMFIELD HILLS, MI 48304			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,665

Applicant(s)

KOCHER ET AL.

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/06/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/05/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/2003</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/06/2005.
2. Applicant's election without traverse of claims 1-16 (Group I) in the reply filed on 06/06/2005 is acknowledged.

Drawings

3. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: It is unclear how the two ends of the two drive means can be

fixed to one of the walls of the shaft, a ceiling of the shaft, a counterweight guide, a car guide, a crossbeam, a counterweight, and a car.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 8, 9, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer (U.S. Patent# 6742628). Bauer discloses an elevator system having a car 5 and a counterweight 7 connected by a drive means 16 and moveable in a shaft 1. The elevator system disclosed by Bauer includes a pair of car guides 10 and 22 mounted in the shaft 1. A pair of counterweight guides 9 are also mounted in the shaft 1 disclosed by Bauer. Bauer also includes a crossbeam 15 attached to the counterweight guides 9 and one of the car guides 10. A drive motor 14 is also included in the elevator system disclosed by Bauer. The drive motor 14 is mounted on a crossbeam 15 and coupled to a pair of drive pulleys 13 adapted for engaging the drive means 16 to move the car 5 and the counterweight 7 in the shaft 1.

7. Regarding claim 2, Bauer arranges drive pulleys 18 on opposite sides of an imaginary line horizontal connector of the car guides 10 and 22 (Figures 3 and 4).

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8. Regarding claim 8, Bauer shows counterweight guides 9 and one car guide 10 positioned at apices of a substantially horizontal triangle and a crossbeam 15 fastened at end regions to the counterweight guides 9 and at a center region to one of the car guides 10 (Figure 3).

9. Regarding claim 9, Bauer further discloses car guides 10 and 22 and counterweight guides 9 arranged to extend substantially vertically in the shaft 1 and a crossbeam arranged to extend substantially horizontally in the shaft 1.

10. Regarding claim 10, Bauer discloses an elevator having a car 5 and a counterweight 7 connected by a drive means 16 and movable in a shaft 1. The elevator shown by Bauer includes an elevator shaft 1. Also included is an elevator car 5 moveable in a shaft 1 along a pair of car guides 10 and 22 mounted in the shaft 1. Bauer also discloses a counterweight 7 moveable in the shaft 1 along a pair of counterweight guides 9 mounted in the shaft 1. Bauer's elevator also includes a drive motor 14 mounted on a crossbeam 15 for moving the car 5 and the counterweight 7 in the shaft 1.

11. Regarding claim 13, Bauer further discloses an elevator with a car 5 suspended in a shaft 1 with a 2:1 ratio and a drive motor 14 being arranged in a region above a travel path of a counterweight 7 in the shaft 1.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (U.S. Patent# 6742628) in view of Cox (U.S. Patent# 3559768). Bauer does not specifically teach connecting drive pulleys to a drive motor and brake by a shaft. Cox teaches an elevator system with drive pulleys 11 and 25 operatively connected by a shaft 12 and 24 with a drive motor 14 and a brake 15. Therefore, it would have been obvious to one of the ordinary skill in the art to put the drive pulley, motor, and brake of Bauer on a common shaft element as taught by Cox to have the shaft engage and drive the drive pulley, motor, and brake.

14. Regarding claim 4, Bauer is silent on the arrangement of drive pulleys on a shaft being between a drive motor and a brake. Cox teaches a system where drive pulleys 11 and 25 are arranged between a drive motor 14 and brake 15 on a shaft 12 and 24 (Figure 1). Therefore, it would have been obvious to one of the ordinary skill in the art to incorporate the arrangement of drive pulleys between a drive motor and brake on a shaft taught by Cox to the elevator disclosed by Bauer to equally distribute the load on the shaft between drive motor, drive pulleys, and brake.

15. Claims 5-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (U.S. Patent# 6742628) in view of Cox (U.S. Patent# 3559768) as applied to claim 3 above, and further in view of Gates (U.S. Patent# 6098758). Bauer does not show the drive motor and brake being mounted on a bracket fastened to a crossbeam. Gates teaches the use of a bracket 44 to fasten a drive motor 42 and brake to a crossbeam

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24. Therefore, it would have been obvious to one of the ordinary skill in the art to mount the motor and brake of Bauer on the crossbeam as taught by Gates to rigidly secure a drive motor and brake to a crossbeam to overcome forces exerted on the drive motor and brake that will release the drive motor and brake from the crossbeam.

16. Regarding claim 6, Bauer does not disclose a bracket mounted at a center region of a crossbeam. Gates teaches a bracket 44 mounted at a center region of a crossbeam 24 (Figure 4). Therefore, it would have been obvious to one of the ordinary skill in the art to mount the bracket as taught by Gates to the center region of the crossbeam of Bauer to equally distribute the load on the crossbeam.

17. Regarding claim 7, Bauer does not recite having drive pulleys arranged substantially in a region with an enclosure of a bracket. Cox teaches an arrangement where drive pulleys 50, 52, and 54 are in a region within an enclosure of brackets 44. Therefore, it would have been obvious to one of the ordinary skill in the art to arrange the drive pulleys of Bauer substantially within an enclosure of a bracket taught by Cox to make the drive pulleys readily accessible with the bracket.

18. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (U.S. Patent# 6742628) in view of Adifon et al. (U.S. Patent# 6848543). Bauer is silent on a elevator system with at least two belt drive means connecting a car with a counterweight. Adifon et al. teaches the use of two drive means 330 and 332 connecting a car 314 and a counterweight 520. Adifon et al. also shows the drive means 330 and 332 being belts (Figures 6-8). Therefore, it would have been obvious to one of

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the ordinary skill in the art to apply the teachings of using a belt as drive means taught by Adifon et al. to the car and counterweight of Bauer to optimize drive traction.

19. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (U.S. Patent# 6742628) in view of Fichtner et al. (WO 2002/053486 A1). Bauer is silent on an elevator with a car in a shaft with a 2:1 ratio with a drive motor arranged above the car. Fichtner et al. teaches an elevator with a car 6 in a shaft 5 with a 2:1 ratio and a drive motor 7 arranged in a region above a travel path of the car 6 (Figure 2). Therefore, it would have been obvious to one of the ordinary skill in the art to suspend the car of Bauer with a 2:1 ratio taught by Fichtner et al. and arrange the drive motor of Bauer above a travel path of the car also taught by Fichtner et al. to provide available space in the shaft.

20. Regarding claim 15, Bauer is silent on an elevator with a car in a shaft with a 2:1 ratio with a drive motor arranged above the car and a counterweight. Fichtner et al. teaches an elevator with a car 6 in a shaft 5 with a 2:1 ratio and a drive motor 7 arranged in a region above a travel path of the car 6 and a travel path of a counterweight 11 (Figure 3). Therefore, it would have been obvious to one of the ordinary skill in the art to suspend the car of Bauer with a 2:1 ratio taught by Fichtner et al. and arrange the drive motor of Bauer above a travel path of the car and counterweight also taught by Fichtner et al. to provide available space in the shaft.

21. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (U.S. Patent# 6742628) in view of Hamaguchi (U.S. Patent# 6626266). Bauer is silent on an elevator with a car in a shaft with a 1:1 ratio with a drive motor arranged above

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the car. Hamaguchi teaches an elevator with a car 4 in a shaft 1 with a 1:1 ratio and a drive motor 11 arranged in a region above a travel path of the car 4. Therefore, it would have been obvious to one of the ordinary skill in the art to suspend the car of Bauer with a 1:1 ratio taught by Fichtner et al. and arrange the drive motor of Bauer above a travel path of the car also taught by Fichtner et al. to provide available space in the shaft.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faletto (U.S. Patent# 6471012), Miyoshi (U.S. Patent# 6578672), Orrman et al. (U.S. Patent# 6655500), Faletto et al. (WO 2002/27739 A1), and Bauer (WO 2001/27015 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589.

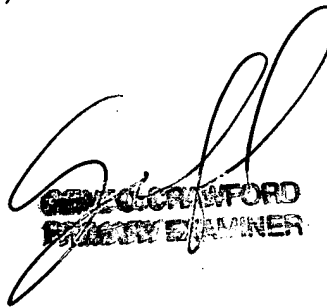
The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



GERALD CRAWFORD
PATENT EXAMINER